

IN THE SENATE OF THE UNITED STATES.

MAY 21, 1860.—Ordered to be printed.

Mr. THOMSON made the following

R E P O R T.

[To accompany Bill 456.]

*The Committee on Pensions, to whom was referred the petition of John B. Miller, beg leave to report :*

That it appears the petitioner presented his application at the first session of the Thirty-fifth Congress, upon which a favorable report was made and a bill for his relief submitted, both of which your committee beg leave to adopt.

*The Committee on Pensions, to whom was referred the petition of John B. Miller, beg leave to report :*

That they have had the same under consideration, and find his case supported by the following facts, duly authenticated. Mr. Miller served as teamster under Quartermaster Sibley and others, from May, 1846, until some time after the battle of Monterey, and while in the actual performance of his duty as such teamster, and while on the road from Carmargo to Monterey with provisions, his mules became mired, together with others in other teams, and that during the efforts made to extract them from the mire he received a severe *kick* from one of them upon the leg, which produced long and severe suffering, and finally resulted in necrosis of the bone, making amputation necessary. That though he never was attached to any regularly organized military company and transferred therefrom for duty as a teamster in the quartermaster's department, which would be necessary in order to give him a pension under existing laws, yet the committee are convinced that he has become totally disabled from an injury received while *strictly in the line of his duty* in the military service of his country, and they are, therefore, disposed to waive the technicality of the law, and to grant him a pension. The amputation was performed by Dr. Gibson, then surgeon of the San Francisco county hospital, in the year 1855, and he testifies to the *extensive* necrosis of the bone, but no evidence is produced to show under what medical treatment the patient was from the time of his discharge up to the time of

his entering the hospital; but from the nature of the disease and the circumstantial evidence produced, and also from the established good character of the petitioner, the committee have the utmost confidence in his statements.

They accordingly herewith report a bill for his relief.